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Error to Circuit Court, Westmoreland County.

Robert Johnson was convicted of murder in the second degree, and he brings error. Affirmed.

R. C. Mayo and Jos. W. Chinn, Jr., for plaintiff in error.
The Attorney General, for the Commonwealth.

NORFOLK & W. RY. CO. *v.* DIXIE TOBACCO CO.

Jan. 26, 1911.

[69 S. E. 1106.]

1. Constitutional Law (§§ 89, 302*)—Liberty of Contract—Due Process of Law—Interstate Commerce—Regulations—Validity.—Interstate Commerce Act, § 20, as amended in 1906 (Act June 29, 1906, c. 3591, 34 Stat. 593 [U. S. Comp. St. Supp. 1909, p. 1167]), making the initial carrier of an interstate shipment liable for any loss or injury to the shipment caused by it or any connecting carrier, notwithstanding any contract to the contrary, is not repugnant to the federal Constitution.

[Ed. Note.—For other cases, see Constitutional Law, Cent. Dig. §§ 157, 851-856; Dec. Dig. §§ 89, 302.* 2 Va.-W. Va. Enc. Dig. 683, 685.]

2. Courts (§ 250*)—Jurisdiction—Nature of Controversy.—Where the constitutional question on which the jurisdiction of the Supreme Court of Appeals solely depends is not sustained, the court is without jurisdiction to pass on the merits.

[Ed. Note.—For other cases, see Courts, Cent. Dig. §§ 773-780; Dec. Dig. § 250.* 14 Va.-W. Va. Enc. Dig. 77.]

Error to Circuit Court, Bedford County.

Action by the Dixie Tobacco Company against the Norfolk & Western Railway Company. There was a judgment for plaintiff, and defendant brings error. Affirmed.

S. Griffin, T. W. Reath, and F. M. Rivinus, for plaintiff in error.

Sale & Withers and S. S. Lambeth, Jr., for defendant in error.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.